

## Burlington Planning Commission

149 Church Street  
Burlington, VT 05401  
Telephone: (802) 865-7188  
(802) 865-7195 (FAX)  
(802) 865-7144 (TTY)

[www.burlingtonvt.gov/pz](http://www.burlingtonvt.gov/pz)

*Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Lee Buffinton  
Emily Lee  
Andy Montroll  
Harris Roen  
Jennifer Wallace-Brodeur  
vacant, Youth Member*



## Burlington Planning Commission Minutes

### Special Meeting

**Tuesday, June 21, 2016 - 6:00-9:00 P.M.**

Burlington Police Dept. Community Room, One North Avenue

Present: B Baker, L Buffinton, E Lee, A Montroll, H Roen

Absent: Y Bradley, J Wallace-Brodeur

Staff: D White, M Tuttle, E Tillotson

### **I. Agenda**

No changes.

### **II. Appointment of Assistant Zoning Administrator**

M Tuttle: Ryan Morrison, Associate Planner, was hired in January. Ryan was formerly ZA in Waterbury and previously worked in western US. Successfully completed the probationary period of employment and Planning Director requests his appointment as an Assistant Zoning Administrator.

The Commission unanimously approved a motion by A Montroll, seconded by H Roen, to recommend the appointment of Ryan Morrison as Assistant Zoning Administrator to City Council.

### **III. Proposed CDO Amendment- Downtown Mixed Use Core Overlay**

M Tuttle: D White will have a presentation, not formal, to help answer questions about various elements of the proposed ordinance. At the last meeting the Commissioners were asked to submit suggestions to help guide our discussion at this meeting. Received a few questions from L Buffinton.

L Buffinton: It would be helpful to go through the amendment as written. A slide show with graphics is helpful.

M Tuttle: The first change addresses new street ROWs in the official map, and renames to the downtown and waterfront map. This provides language around ownership and use, gives the City option to establish public streets.

E Lee: There is concern from the public about whether these will truly be public streets. There is a rumor that entrances to public parking will change and uncertainty about what Pine Street is going to look like.

A Montroll: Suggests that provision of streets be a condition of development to maximum height.

E Lee: How do people feel about widening the ROW?

H Roen: This is just a ROW, it gives the city the right to acquire the street.

L Buffinton: Let's go through the document point-by-point.

A Montroll: We need to define the goal for this discussion.

B Baker: Preparing a list of comments to send to City Council will be helpful for the public to react to.

E Lee: Not comfortable endorsing the ordinance since there is no model. Suggest sending the document to City Council, anticipates they will send back to the Commission. The ball will be in their court.

A Montroll: We need to compose a list of comments for the Council.

E Lee: Welcome public dialogue during this work session, but not interruptions. Suggest increasing the ROW beyond 60 feet and discuss use within it. If we were considering this amendment outside of this project, we would want streets to have alignment. Doesn't necessarily mean a road has to be in the ROW, but maybe include some additional public area.

B Baker: For instance, no loading docks.

D White: The question is what is public purpose that we are acquiring these lands for?

H Roen: Strongly in favor of what is included in the ordinance.

L Buffinton: The elephant in the room is building height, need to deal with it. The ordinance says buildings needs to be in compatibility with neighborhoods. Start with a Church Street height discussion.

D White: Rationale for this is that almost every block of Church Street has at least one building taller than 38 feet. Changes setback measurement to be from the property line rather than the center of the street. Intended to promote sense of enclosure and scale and strong definition to create more continuity. To create enclosure, general rule of thumb is height of buildings along street as tall as streets are wide, which typically is 66 feet; only proposing 45 feet along Church.

L Buffinton: Necessary to pull buildings back so that light penetrates to the street.

D White: This is the purpose of the 45 degree angle created by the required setbacks.

A Montroll: One of the biggest concerns is height. The illustration show squashing the building mass so it projects upward—looks like a wedding cake. Interested in looking at how to increase the FAR of each floor to potentially reduce the overall height.

D White: Each time increase FAR of a floor, it creates more bulk.

A Montroll: Is not sure bulk matters that much from a distance. Setbacks/stepbacks, down on street looking up is where they make a difference. Don't know that squeezing gains anything. Expansion at lower levels might allow the height to come down.

L Buffinton: Scaled across the width, thinking about in the street, looking at small houses, this will block older, smaller houses from light and sun. Want to look at view slides 12,13 and 21 of the proposed project.

A Montroll: The graph on the left looks like an urban design, the one on the right does not.

D White: Part of this reduction is to help with sky view and ability to see through a block rather than a solid mass.

L Buffinton: Going from 65 feet to 160 foot height is a significant change. It's too bad this discussion is before FBC is approved.

A Montroll: We could recommend exploring each floor plate be a little wider than what is included, and lower the overall height.

E Lee: Feels the opposite—that taller buildings are better, increased stepping back enhances the building.

H Roen: Maybe 160 feet is too high, but think the more tiered approach is better.

A Montroll: Doesn't now that it has to be so pushed together.

E Lee: It would be helpful to see how two different massings would compare.

B Baker: Street design, street connectivity, widening street are all tradeoffs that take away from building square foot. Would be interesting to have setbacks that achieve same GFA but within, say, 12 stories.

E Lee: Would rather see truly aligned streets and allow a building up to 14 stories.

L Buffinton: Like B Baker's idea but it's not enough, setbacks are really important.

A Montroll: Proposed tiers is limiting on design and creativity. Don't want DRB to have to be the ones to worry about how to avoid wedding-cake buildings.

E Lee: Setback on street level on level four or five, setbacks higher up might not be so important. Would be unfortunate to have a poor quality building because people were afraid of height.

A Montroll: We need to have a way to make this work with less controversy. Trying to be more descriptive of what is wanted.

E Lee: Could see this building from my house. If it's a choice of totally blocked or views between two towers, would rather have two towers, still see water and mountains.

L Buffinton: We don't want to be too prescriptive. Allowing architectural flexibility, overall height.

B Baker: We are looking at this as if it is one building, illustrations show differentiation between buildings.

D White: One Burlington Square is an example. The intent is to break up the mass with spacing requirements between towers. It is critical that the façade get broken into blocks, breaking horizontal plane into different bays with setbacks. The building is taller but the façade articulation includes the setback requirements.

E Lee: Want to get something done. Would rather talk about low income housing, parking and other issues to reach a consensus.

H Roen: Doesn't believe there is consensus on height issue yet.

L Buffinton: Want to look at views. More setbacks are needed to reduce the sheer walls and massive bulk of these buildings. By right question is big, and it is a tremendous loss not to address those issues through the ordinance. The public is essentially paying for streets with TIF, we need to look at bonuses, there are hundreds and hundreds of seniors waiting for housing every month. Seems as if we could restructure bonuses, we could do better.

D White: This requires 20% affordable units. The extra 15% bonus has not worked. We do not need the parking bonus, because we don't need additional public parking.

Mayor Weinberger: It appears very few units have actually been built under present policy which is being reviewed through a separate process; doesn't recommend changes to IZ until that process has provided recommendations. Going higher than 20% makes the development nearly impossible. The City Council considered this issue also, and in the end, the vote did not include more than 20% inclusionary. The Commission is having detailed conversations and written comments to the City Council would be helpful.

L Buffinton: Are you and the City Council exploring more ways to encourage housing?

Mayor Weinberger: The City Council has been grappling with this issue over last couple of years. There were 22 recommendations that came out of the Housing Action Plan. They support new and existing projects, will recommit as a city to permanent affordable housing, housing trust fund has doubled, taking proactive role in issues like Farrington's Mobile Home Park. Lack of housing at other levels has an effect on affordable housing, it is a contributing factor to pressure on overall affordability.

L Buffinton: Workforce housing and senior housing needed.

Mayor Weinberger: There are no subsidies for workforce housing, but no doubt that this project if built will serve many households in this area.

D White: There is a coalition in Chittenden County advocating for more housing.

E Lee: Do we have consensus?

M Tuttle: The goal with this proposed amendment is to be more inclusive across the board, of space for housing and jobs. Some of the previous bonuses contradicted each other in terms of our priorities for downtown.

A Montroll: Concern is that Official Map gives City the option for streets. If development doesn't work, we still need to make sure that the streets open up. Find a way to require no development in these areas. The other issue of concern is above-ground parking. If this is permitted, there needs to be a way to require demonstration that underground doesn't work.

B Baker: Hasn't heard anyone opposed to opening streets.

A Montroll: Need to change zoning so that if the project doesn't happen, someone else comes in and the City is not in a position to buy the streets back, we need to ensure that those streets are not built over and we lose the opportunity.

D White: Understand the concept, but need to have city Attorney's office review.

Mayor Weinberger: That is worth reviewing, but raises some constitutional questions and not sure we can do better than the mechanism in the agreement.

A Montroll: We see a proposal for parking on second and/or third floor and right against the street. Would like to see some conditions saying underground is better. Or, consider putting another deck on an existing structure. If there is a better way to accomplish the parking, would like to see a condition for that as part of the process.

L Buffinton: Need to make sure we're not being overly prescriptive on amount of required parking.

E Lee: Position should be that parking recommended to be underground, and if above ground it must be indecipherable from rest of building.

B Baker: Sounds like consensus that parking should not look like parking, and that developer demonstrate that has exhausted options for parking management plans, shared and off-site parking.

A Montroll: And that underground parking is not feasible. At least Council should consider the idea.

D White: The ordinance already requires some of those. The key issue is where it is located and how manifested in design.

E Lee: Not married to LEED standards for the energy efficiency section, but need a standard that can be met and measured. Need a hard line that is met, such as that the project must be registered with LEED. To be in harmony with planBTV, the City needs the reputation that it is cutting edge, buildings should be constructed at highest standards. This building must set an example.

D White: BED suggests that the building envelop and systems be commissioned by a third party for maximum efficiency.

Mayor Weinberger: Appreciate the comments. The language in the original development agreement was not strong enough, and now says that the building shall be built to LEED Gold standards.

E Lee: The language needs to be tightened up, accountability is the key. The current ordinance requires it. The City requires a high standard. Not comfortable with idea of withholding CO if not met, but maybe something like bonding.

L Buffinton: And we need to emphasize healthy buildings.

D White: There used to be a bonus for LEED, but it has expired. We need a high and measurable standard, and ability to demonstrate compliance. Commissioning process affirms this.

E Lee: We have been talking a lot about massing, what is the model going to be of?

D White: It will model existing buildings and proposed building.

E Lee: Does that mean that the maximum building envelope will not be shown?

L Buffinton: We need to see what this looks like. Current proposal doesn't show full buildout.

H Roen: Liked M Tuttle's zoning buildout, but not helpful. Other examples would be helpful.

B Baker: This goes to an earlier point, about massing vs height. Different roof heights create visual interest. We need to incentivize creativity rather than "max" building height.

D White: The model will be of existing buildings with a removable piece representing the proposed BTC redevelopment. Predevelopment agreement ultimately outlined what would be modeled.

#### **IV. Public Forum**

J Robbins: When we talk about green buildings, height and density are sustainability. There are 7.8 billion people on planet, must build up. Character of community will change here either by building up or by sprawl. Comparison to Boulder, Colorado's limit on building heights overlooks that they are building in sensitive areas, replacing wildlife habitat, and that there is only 1 property currently listed for less than half million dollars. PlanBTV indicated that we would need to change ordinances to codify the vision. Ok with stepbacks as presented. Agree with inclusionary housing points- the requirement is tough to get built, there are technical issues with the ordinance due to HUD rules. Project in general is good for the city, fundamentally height and density are more sustainable.

R Montgomery: The objective side of the conversation is about zoning. The subjective side is about benefits from this project. There are intentions to facilitate housing for graduates, families, businesses who want to stay here in VT. This is a step in the right direction and shows willingness to adapt and move forward. Inaction is the biggest threat.

Sharon Bushor: Clarify some statements in a memo in the packet that did not keep Commission and Council autonomy. Staff recommendations, not City Council recommendations.

B Dunkiel: Suggest that the Commission comments to Council address the three charges required by statute—how it fits within planBTV, how it addresses goals for housing and density, and what effect on public facilities.

R Herendeen: Author of the Boulder letter, he salutes the Commission. Need to control height because the vision of this place is physically special.

C Bates: Highly recommends different roof heights. PlanBTV says open space, buildings with different height, roof gardens, food gardens, street gardens, green space, parking underground. Is the mall site a brownfield? PlanBTV supports all sorts of alternatives for parking. Think about park and rides and alternative uses for Champlain Parkway that will bring people up and down Pine Street without need for parking downtown.

Lea Terhune: Feels that the Commission has heard us. Suggestion to limit comments to the City Council, but feel the ordinance encourages the Commission to make broad comments. Livable City Coalition has lots of incredible ideas for ways to get housing. Tiny houses, and incentivize accessory apartments. Renters spending 44% of incomes on housing is incorrect, the Art Wolf article corrects this.

A Radcliffe: Need to be careful about confusing the Sinex project with the zoning. Where did 160 ft and no bonuses come from?

Laurie Stafford: Has worked on large projects. The Commission lacks tools for analysis. Not meaningful illustrations. We live in a special place. It is good to have limitations, it doesn't limit creativity.

**V. Adjourn**

The Commission unanimously approved a motion by A Montroll, seconded by L Buffinton, to adjourn the meeting at 9:10 pm.



---

Bruce Baker, Vice Chair

Signed: 2016



---

E Tillotson, Recording Secretary

DRAFT